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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,523	09/02/2003	Paolo Tiramani	286357-00004-1	3343
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David C. Jenkins Eckert Seamans Cherin & Mellot, LLC 44th Floor 600 Grant Street Pittsburgh, PA 15219				
EXAMINER				
CHAPMAN, JEANETTE E				
ART UNIT		PAPER NUMBER		
3633				
MAIL DATE		DELIVERY MODE		
12/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/653,523

**Applicant(s)**

TIRAMANI, PAOLO

**Examiner**

Jeanette E. Chapman

**Art Unit**

3633

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-11,13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13-15 depend on a cancelled claim 12

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 9-11, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kump(3712007) in view of Donahue.

Claim 1.

Kump discloses a prefabricated house comprising:

two or more modules 14, each module having a frame 42, said frame 42 having a plurality of studs;

said module frames having one or more multiframe openings 41/42;

each said multiframe opening incorporating two studs from said frame plurality of studs and having a plurality of medial cross-members 42/46; and

said two or more modules structured to be joined at one of said one or more multi-frame openings. See column 4, lines 1-20.

Donahue discloses:

A prefabricated house comprising:

two or more modules 10/16, each module having a frame, said frame having a plurality of studs 70, 12,95, 99, figure 2;

said module frames having one or more multiframe openings at 102/103;

each said multi-frame opening incorporating two studs 70/99 from said frame plurality of studs

In view of the above, it would have been obvious to include the modules including studs and incorporating studs from the plurality of studs in order to reinforce and strengthen the modules. See figures 1,4 and 6

claim 2.

Kump discloses the prefabricated house of claim 1 wherein:

said multi-frame openings 41/42 are enclosed within a covering 44 over said frame; and

said multi-frame openings are structured to be converted into openings.

claim 3.

(Canceled)

claim 4.

Donahue discloses the prefabricated house of claim 1 wherein

each cross-member in said plurality of cross-members is coupled to said studs in a

manner sufficient to support any additional components selected from the group including: doors, windows, fireplaces or dormers. See motivation statement above.

Claims 9-11:

Regarding claim 9: Kump discloses the multi-frame opening are structured to be converted into an openings such as doors 18.

Regarding claim 10: Kump discloses modules joined at multi-frame openings 41/42 with the modules disposed in more than one configuration relative to each other. See figure 1

Regarding claim 11: Kump discloses the multi frame opening s enclosed within a covering 44 over the frame 41/42 or 11/12 and the multi frame openings are structured to be converted into openings such as doors or windows 17, 18.

12. (Canceled)

Claim 13:

Kump discloses the prefabricated house of claim 12 wherein each cross member in a plurality of cross member 11/12 is coupled to the studs 41/42 in a manner sufficient capable of supporting any additional components selected from the group including doors , windows 18. See figure

Claim 17.

Kump discloses The prefabricated house of claim 1 wherein said modules 14 may be joined at said multi-frame openings 11/12 or 41/42 with said modules disposed in more than one configuration relative to each other. See figure 1.

Regarding claim 18: It would have been obvious to one of ordinary skill in the art to add

any type of trim to provide a finished and completed appearance to the building structure

Claims 5-6 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kump in view of Donahue and further in view of Derman (2070924). Kump lacks the cross members removably coupled to the studs. Derman discloses a cuboid volume with cross members 35/27 and studs 22/19. The studs are removably coupled to the cross members. It would have been obvious to one of ordinary skill in the art to removably couple the studs to the cross members to allow for a greater degree in variation of size of the opening for the modules modules as shown by Derman.

Claims 7-8, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kump in view of Donahue and further in view of Prigmore et al (4779514).

Claim 7-8 and 19:

Prigmore et al includes a prefabricated unit with foldable panels. One of the modules is a core having a fixed spaced portion 16/18 and a passive space portion 12/14. The fixed spaced portion having non-foldable walls and the passive space portion having foldable panels. See figure 7 of Prigmore et al. the foldable panels are movable from a first closed position to a second open position. The size of the fixed space in comparison to the passive space has been considered a matter of choice. One of ordinary skill in the art would have appreciated making the modules of any dimensions permitting the intended use, function and purpose of the prefabricated unit. It would have been obvious to one of ordinary skill in the art to modify Kump to include foldable

panels and the fixed and passive spaces to permit transport of the prefabricated unit as shown by Prigmore et al.

Regarding claim 16: It would have been obvious to one of ordinary skill in the art to add any type of trim to provide a finished and completed appearance to the building structure.

Applicant's have been considered but are moot in view of the new ground of rejection. Regarding the Declaration of Robert Delorenzo: the affidavit does not address the prior art nor does it describe how the claims distinguish over the prior art. The '515 patent has not been applied against the claims. Therefore arguments regarding this reference are moot. Further, the examiner is employing the same definition of stud and post and beam as described in the previous office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/  
PRIMARY EXAMINER  
ART UNIT 3633